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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/987,650

11/15/2001

Fumiaki Miyamaru

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04/05/2004

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EXAMINER

ROJAS, OMAR R

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/987,650

Applicant(s)

MIYAMARU ET AL.

Examiner

Omar Rojas

Art Unit

2874

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): Claims 9 and 22.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached statement below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 9 and 22.

Claim(s) objected to: _____.

Claim(s) rejected: 1-8, 19-21, 23 and 24.Claim(s) withdrawn from consideration: 10-18.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


HEMANG SANGHAVI
PRIMARY EXAMINER

] Continuation of 10. Other: With regards to claim 1, applicants' representative appears to have not grasped the examiner's previous assertion that the waveguide plate 12 of Stern (US 5,771,321) and the applicant's waveguide 14 (see Fig. 2 of the drawings) operate using the same basic principle of total internal reflection. Compare the applicants' specification at page 5, the last paragraph, with Stern's disclosure at column 6, lines 24-45. As should be apparent from Stern's disclosure, the "critical angle" disclosed by the applicants' specification is also defined by Snell's law. See also US Patent 5,953,469 to Zhou at column 7, line 50 to column 8, line 17 for further clarification. Thus, because the optical waveguide 12 of Stern operates in substantially the same manner as that of the applicants and, as further shown in Fig. 1 of Stern, the optical waveguide 12 of Stern is fully capable of the functional language recited by claim 1. With regards to claim 7, applicants' representative has appeared to ignore Stern's disclosure at column 6, lines 7-17. The other "suitable schemes" for light collimation described by Stern would necessarily include disposing the light source between the lens and the first end surface of the waveguide. See the aforementioned Zhou reference at Fig. 3, for example. With regards to claim 8, the examiner disagrees with the speculation set forth by applicants' representative that "the emissions [of light] would be so weak that they could not be focused" as set forth on page 4 of the reply filed March 15, 2004, the second paragraph. On the contrary, when light is NOT tapped from the waveguide 12 of Stern, there will presumably be plenty of light available to be emitted from the second end surface of the waveguide 12. Regarding claim 23-24, see Figs. 3A-3C of Stern which further support the examiner's position.